

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7668 of 2016

Arising Out of PS.Case No. -177 Year- 2015 Thana -THAWE District- GOPALGANJ

Dr. Tribhuwan Narain Singh, Son of Surendra Singh, Resident of M-2,
Jagat Enclave, Ashiyana Nagar Phase-2, Police Station- Rajeev Nagar,
District- Patna. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Satya Prakash

For the Opposite Party/s : Mr. Sanjay Kumar (App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 28-03-2016 Heard learned counsel, appearing on behalf of the
petitioner, and the learned Addl. Public Prosecutor, appearing on
behalf of the State.

This application for grant of anticipatory bail arises out
of Thawe P.S.Case No. 177/2015, disclosing offences under
section 304/34 of the Indian Penal Code.

The petitioner is practicing doctor. He had conducted
surgical operation of the wife of the informant, who finally died.
The allegation against the petitioner is that the deceased died
because of negligence on the part of the petitioner.

Learned counsel for the petitioner has submitted that even
on the basis of allegations, as contained in the First Information
Report, at the maximum, a case under section 304A of the I.P.C. is
made out.

Learned counsel, appearing on behalf of the informant,

has vehemently opposed the prayer for anticipatory bail and has submitted that it was criminal negligence on the part of the petitioner in proper maintenance of operation theater, which had resulted to infection and consequent death of the deceased.

However, considering the nature of accusation against the petitioner and the submission that there is no likelihood of the petitioner tampering with the evidence or fleeing from the course of justice, this application is allowed.

Let the petitioner, abovenamed, in the event of his arrest/ surrender before the court below within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gopalganj in Thawe P.S.Case No. 177/2015, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

This is subject to the condition that the petitioner shall present himself before the police/ court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Surendra/-

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